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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

PAUL W. FISO, an individual,

Plaintiff,

v.

JOHN DEERE LANDSCAPES, LLC, a
Delaware limited liability company,

Defendant.

**ATTORNEYS' PLANNING MEETING
REPORT**

*Civil No.: 2:15-cv-601
Judge Dale A. Kimball*

1. PRELIMINARY MATTERS

- a. The Plaintiff has brought an action seeking compensatory and punitive damages against the Defendant on the basis of alleged disability discrimination and disparate treatment on the basis of disability in violation of the Americans with Disabilities Act (ADA), Family and Medical Leave Act (FMLA) retaliation and interference, and Employee Retirement Income Security Act (ERISA) retaliation and interference. Defendant has denied these allegations and asserted affirmative defenses.
- b. This case is assigned to Federal District Court Judge, the Honorable Dale A. Kimball.

- c. Pursuant to Fed. R. Civ. P. 26(f) a meeting via email was held on January 27, 2016 in which Randall L. Jeffs, counsel for the Plaintiff, and Erik Olson and Jason Hull, counsel for the Defendant, attended.
- d. The parties do not request an initial pretrial scheduling conference with the Court prior to entry of the scheduling order.
- e. The parties will exchange initial disclosures by February 26, 2016.
- f. Pursuant to Fed. R. Civ. P. 5(b)(2)(D), the parties agree to receive all items required to be served under Fed. R. Civ. P. 5(a) by either (i) notice of electronic filing, or (ii) email transmission, except in the case of a request for production of original documents, mirror image hard drives, or tangible things. Such electronic service will constitute service and notice of entry as required by those rules. Any right to service by USPS mail is waived, except in the case of a request for original documents, mirror image hard drives, or tangible things.

2. DISCOVERY PLAN

- a. Discovery is necessary on all issues.
- b. Discovery will not be conducted in phases.
- c. Discovery Limitations.
 - 1. 10 depositions per side. Each deposition will not exceed 8 hours in length.
 - 2. 25 interrogatories per side, including subparts.

3. 25 requests for production per side, including requests for production of tangible things.
4. 25 requests for admissions per side.
- d. Requests for production of electronically stored information shall be produced in its native format, or in pdf, however designated by the requesting party.
- e. The parties agree to enter into a protective order that shall govern the management of confidential, privileged or protected information.
- f. The last day to file written discovery shall be October 28, 2016.
- g. The close of fact discovery shall be November 18, 2016.

3. AMENDMENT OF PLEADINGS

- a. The cutoff date for filing a motion to amend the pleadings shall be December 16, 2016 for all parties.
- b. The cutoff date for filing a motion to join additional parties shall be December 16, 2016 for all parties.

4. EXPERT REPORTS

- a. Reports from experts under Rule 26(a)(2) will be submitted by:
 1. Parties bearing the burden of proof: December 16, 2016.
 2. Response: January 31, 2017.

5. OTHER DEADLINES

- a. The expert discovery cutoff date shall be March 31, 2017.
- b. The deadline for filing dispositive or potentially dispositive motions including motions to exclude experts where expert testimony is required to prove the case shall be April 28, 2017.
- c. The deadline for filing partial or complete motions to exclude expert testimony shall be April 28, 2017.

6. ADR/SETTLEMENT

- a. The potential for resolution before trial is fair.
- b. This case should not be referred to the court's alternative dispute resolution program at this time.
- c. The parties will engage in private alternative dispute resolution.
- d. The parties will re-evaluate the case for settlement/ADR resolution on October 31, 2016.

7. TRIAL AND PREPARATION FOR TRIAL

- a. The parties should have 14 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).
- b. This case should be ready for bench trial by _____.
- c. The estimated length of the trial is 5 days.

BY THE COURT:

United States District Court Judge
The Honorable Dale A. Kimball

Approved as to Form:

JEFFS & JEFFS, P.C.

/s/ Randall L. Jeffs
Attorneys for Plaintiff

MARSHALL OLSON & HULL

/s/ Erik A. Olson
Attorneys for Defendant
(electronically signed with permission)